North Central Region Environmental Compliance Plan

NC Region Statement of Intent

The North Central Region (NCR) has a good record of proactively working toward environmental compliance. In order to improve on that record we are now formalizing the compliance process to better integrate environmental responsibility and minimize noncompliant activities within our region. Recent violations throughout the state have resulted in a mandate for WSDOT to do everything it can to minimize impacts to the environment. The Region's goal is to ensure compliance with all applicable environmental laws, regulations and environmental commitments for all facets of NCR operations.

NCR's plan contains six components that will provide the framework to meet North Central Region's compliance goal. These components include:

- Administrative and Management endorsement of the Compliance Plan and its effective implementation.
- Clear understanding of environmental rules, regulations, and their application to transportation projects through training and open communication.
- Track and implement environmental commitments, and track and measure environmental compliance.
- Ensure Environmental, Design, Contractor and Regulatory agency staff understand construction methods and potential impacts to the environment to ensure constructability and prevent conflicts.
- Open and frequent communication among NCR staff, HQ Offices, Contractors, Utilities, and other entities involved in WSDOT construction and maintenance projects regarding environmental compliance responsibilities.
- Demonstrate environmental commitment to the public and regulatory agencies through our actions and public relations efforts.

This plan will evolve as processes are refined and external and internal requirements change. We encourage employees to forward suggestions that will improve implementation of the plan and environmental compliance within the region.

It is my intention that all operations within the North Central Region will join in implementing the NCR Environmental Compliance Plan.

Donald S. Senn
Regional Administrator

Introduction

The goal of this plan is to ensure that North Central Region (NCR) is in compliance with all applicable environmental laws, regulations and environmental commitments for all facets of NCR operations. To meet this goal, the plan contains the following components:

- Management Endorsement
- Non-Compliance Process
- Training and Awareness
- Compliance Performance Standards
- Constructability Review and Commitment Tracking

It is recognized that non-compliant activities will never be eliminated; even with the best planning, unpredictable weather, human error, or other unforeseen issues can cause non-compliance. Ultimately, the objective of this plan is to reduce future non-compliant events through planning and to provide guidance during an event.

It is anticipated that this plan will undergo several revisions as it is implemented. As issues with this plan develop, please forward them to the Environmental Office so that they can be incorporated into future revisions.

Management Endorsement

The Statement of Intent is a clear commitment from NC Regional Administration to develop and implement an effective compliance plan. The Secretary of Transportation has also made it clear that compliance is a priority for the WSDOT in the Environmental Policy Statement (2001) and the Compliance Agreement with the Department of Ecology (2004). These documents can be found in Appendix 1 and 2 respectively.

Non-Compliance Process

Non-Compliant activities can result in serious damage to the environment. To minimize these impacts, a process has been established. Although there has been an unwritten process used in the region in the past, developing a written procedure and specific contacts provides a clear and predictable process. This process will result in quick response to non-compliant activity thus minimizing impacts.

Non-Compliance Process

There are a variety of information sources for project environmental requirement. These include individual project permits and a variety of general permits and agreements available for use on WSDOT projects. The Region Environmental Office can help find and provide the written guidance or expertise to answer questions regarding environmental issues. Many of these publications are available in hardcopy or on the WSDOT web site. The Environmental Procedures Manual, Highway Runoff Manual, and Roadside Manual are some examples. WSDOT's current Programmatic Permits are available at:
http://www.wsdot.wa.gov/environment/Programmatics/default.htm

Copies of the Instructional Letters listed below are attached to this plan. These letters provide detailed information about the procedures for recognizing and taking the correct action in the case of an environmental non-compliance event.

- IL 4055.02 Environmental Compliance Assurance Procedure for Construction Projects and Activities. Effective July 28, 2004, Expires July 31, 2005. (Appendix 3)
- IL 4057.01 Environmental Compliance Assurance Procedure for Maintenance Work Activities. Effective March 31, 2003, Expires March 31, 2005 (Appendix 4)

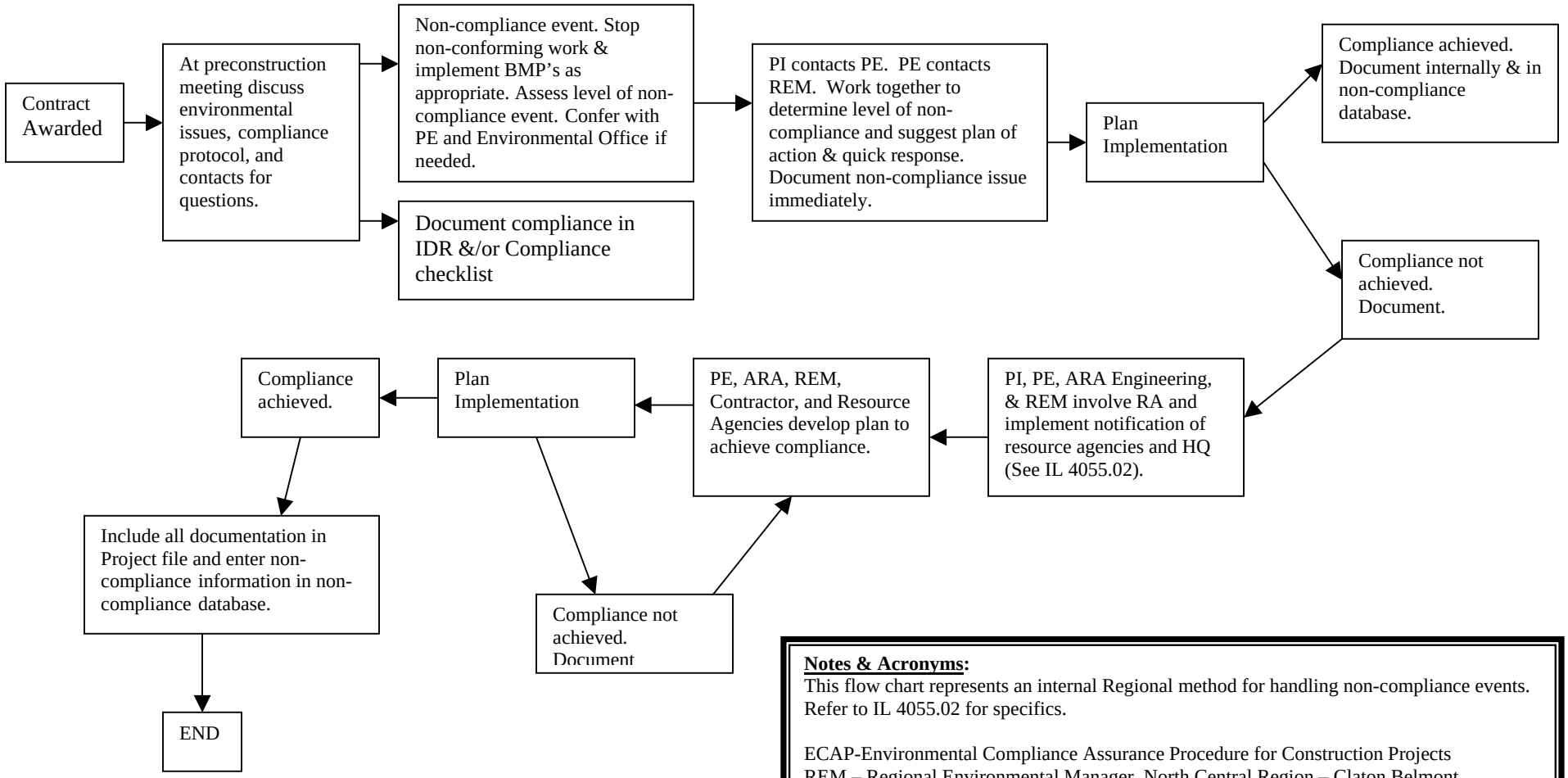
The Maintenance Compliance Plan (Appendix 6) and the Environmental Resource Compliance Assurance Procedure for Maintenance Work Activities (Appendix 7) provide clear direction for maintenance activities adjacent to environmental resources.

The flow chart in figure 1 illustrates the general process for construction non-compliant events in the North Central Region.

NCR Environmental Office Contacts

Claton Belmont	Region Environmental Manager	667-3055
Don Morehouse	Documentation and Permits Specialist	667-3057
Mitch Reister	Region Hydraulics Engineer	667-3056
Joe Williams	Region Maintenance Environmental Coordinator	667-3054
		Cell 668-0363

Figure 1: WSDOT North Central Region Process for Non compliance Issues (January 13, 2005)



Notes & Acronyms:
This flow chart represents an internal Regional method for handling non-compliance events. Refer to IL 4055.02 for specifics.

ECAP-Environmental Compliance Assurance Procedure for Construction Projects
REM – Regional Environmental Manager, North Central Region – Claton Belmont
PE – Project Engineer
PI – Project Inspector
ARA for Engineering, North Central Region – Dan Sarles
RA, North Central Region – Don Senn

Documentation - One copy should go to the environmental file and one copy to the general project file.

Training and Awareness

The North Central Region will support training for all personnel involved with project development, construction, and maintenance & operations in the region. In the NC Region, the project office that designs a project usually inspects the construction. This provides direct feedback within the office for evaluating the constructability of designs, implementation of BMP's, and other compliance related issues.
In addition to the formal training there is ongoing communication among the region offices to discuss problems and opportunities that arise during design and construction. Informal on-the-job training takes place as inspectors discuss projects with the environmental office either during routine site visits or when project activities require consultation. Knowledge of environmental issues is gained when designers attend field reviews with representatives from regulatory agencies to discuss environmental concerns and constructability challenges for proposed projects. Other opportunities for training and information exchange take place at regional design and construction conferences.

The region will continue to work with headquarters and regional training specialists to develop and provide training as needs become apparent.
Listed below are classes directly related to environmental compliance issues that project inspectors should complete. In addition there is other training available for inspectors that has a construction focus but also addresses compliance.

Specific Training Opportunities Design, Construction and Environmental Staff

- **Environmental Permitting 101**-This training covers the environmental process during Project Development. Included are the NCR Environmental Procedures, timelines, a preview of NEPA and SEPA and triggers and design information needed for the various permits processes.
- **Project Inspector Environmental Compliance (March 2005) -** The objective of this course is to raise the level of knowledge and awareness of environmentally sensitive area and environmental compliance. Included are specific permit conditions, notification requirements, definitions, compliance procedures and other aspects of environmental procedure.
- **Temporary Erosion & Sedimentation Control Certification-** Introduction to requirements for Construction Sediment and Erosion Control, Best Management Practices and commonly encountered problems.
- **Spill Plan Reviewer Training-** Introduction to HazMat, Surface Water Quality Regulations. Explanation of basic components of a Spill Plan, implementation of BMPs and commonly encountered problems.
- **Wetlands: Recognition, Regulation & Resource** - The course is to give an understanding of the value of wetlands as a resource, their regulation by agencies and

methods of identification. Mitigation and wetland policy will be discussed, as well as, how these issues effect the WSDOT processes for project development.

- **Intro to Endangered Species Act & Biological Assessment** – This provides an overview of the Endangered Species Act (ESA) and the impact it has on both local and state transportation projects. It also includes a discussion of the requirements stemming from the act, specifically the need to conduct biological assessments for projects.
- **Excavation and Embankment Inspection-** This course covers the basic operations of excavation and embankment and covers standard specifications as they relate to these activities. Protection of environmentally sensitive areas will be reinforced during this course.
- **Drainage Inspection-**Instruction on proper inspection of drainage items. Protection of sensitive area, plants, soils, fish passage and completion of mitigation commitments will be reinforced in this class.
- **Just in time training for Water Quality Monitoring -**Takes Project Inspector and Construction Office staff in the field to set up monitoring stations for Temperature, pH, turbidity, flow and other parameters. Instruct on the use of monitoring equipment, data recording and instruct on what to do incase of elevated levels in the various parameters.
- **Just in time training for Project Inspectors, Maintenance Staff and Construction staff-**This will be project specific, in-field training regarding sensitive areas, cultural resource discovery, permit terms and conditions and other applicable environmental issues that will be scheduled as needed on a project by project basis.
- **Cultural Resources Awareness/Inadvertent Discovery (training being developed within region) -** This course will be team taught by WSDOT and the Colville Tribal History and Archaeology department. Colville members will present their short course on traditional cultural properties and WSDOT will present the North Central Region's Inadvertent Discovery Plan, and explain how to implement it. The course also provides a short review of consultation requirements and Indian tribes' rights to protection of cultural resources.

Other courses are available to increase knowledge of specific environmental topics. These are available through WSDOT, FHWA, other resource agencies, or private entities. These classes can be taken as a normal course of career development or in response to specific needs that arise due to upcoming work responsibilities. Some examples are listed below.

- Section 106 & Cultural Resource Training
- Government to Government Training
- 4(f) and 6(f)
- FHWA Noise Modeling
- Wetland Identification and Delineation
- Air Quality
- NEPA/SEPA
- Corps of Engineers training

Maintenance Training

The Region Environmental Maintenance Coordinator (REMC) provides formal training as well as one-on-one training during on-site visits, meetings and other opportunities. A list of specific maintenance training courses is provided in the Maintenance Compliance Plan that is attached as Appendix 6.

Compliance Performance Standards

The region will implement Instructional Letter 4055.02 to track and report non-compliance events. Non-compliance events will be recorded when they happen and the information forwarded to the Environmental Office. This information will be entered into the non-Compliance database and reported on at least an annual basis to headquarters.

Non-Compliance events should be documented in the Inspectors Daily Report (IDR) and the specifics documented and transmitted to the Environmental Office on the NCR Environmental Compliance Checklist (Appendix 5).

- Utilize the NCR Construction Inspector's Environmental Compliance Checklist to document compliance and non-compliance events. This will be filled out by Environmental Staff and Project Inspectors as needed.
- Ensure that all non-compliance events are corrected quickly and properly documented.
- Track non-compliance events and corrective measures taken, per IL 4055.02
- Regularly assess our compliance performance so that we can make adjustments or corrections to procedures or upcoming contracts and share the lessons learned for future projects
- The region will assess their compliance performance annually during the forth quarter and participate in developing the annual statewide compliance performance report in the Grey Notebook.

Constructability Review and Commitment Tracking

Constructability Review

This component of environmental compliance requires that permit conditions and other legal requirements be adequately reflected in the contract plans and specifications. This will enable the contractor and project inspectors to successfully complete the project while meeting the environmental requirements. It also means that all environmental commitments have been met prior to completion of the project.
To meet these needs, the NCR will develop and implement the processes listed below.

- Implement a matrix or checklist to ensure permit conditions and commitments are incorporated into the contract documents. Use existing Standard Specifications and help develop new specifications to integrate standard environmental requirements.
- Develop Construction Environmental Compliance Notebooks for complex projects. The notebooks will contain contact information, reporting forms, project permits and commitments, TESC plans, and other information to help ensure project compliance.
- Explore developing an independent environmental compliance report that the Region Documentation Engineer would conduct as part of project review.
- Discuss environmental compliance issues at preconstruction meetings, or in a separate environmental preconstruction meeting if warranted. Review environmental permits involved, conditions and details of the work, to ensure that the project will be done in accordance with the environmental commitments.
- When possible, conduct site visits and review all permits to clarify questions on compliance issues as a result of project changes or other reasons and if the proper decision is not clear, contact the respective regulatory agencies for clarification.

Project Inspection

- Utilize Environmental Construction Compliance Checklist regularly to document environmental compliance.
- Clarify all changes in the project with the Environmental Office to ensure we are operating within environmental law and permits. The Environmental office will consider questions from the construction offices to be of high priority.
- Document all environmental commitments have been met prior to completion of the project, and that Maintenance and Operations have received and understand all long-term compliance expectations for the site.
- The Environmental office will visit project sites as appropriate to document compliance and provide support for inspectors.

Commitment Tracking

A long-term component of Environmental Compliance is the recordation and tracking of commitments that are made during the development of a project. These commitments may be in the form of permit provisions, wetland mitigation plans, storm water facility plans, or commitments established during the NEPA process. Examples of NEPA commitments could be protections of habitat features or cultural resources. Some commitments have a short life and others may be made in perpetuity. The NCR intends to use the commitment-tracking system being developed by HQ to document and follow through on our environmental responsibilities. Until the tracking system is operational commitments will be documented in project files.

- Track all environmental commitments through the utilization of a centralized Commitment Tracking Database to be developed by Headquarters by May 2005. This system will track all formal commitments (environmental, design, right-of-way) from inception through construction to completion or handoff to Maintenance and Operations Office.
- Develop an effective procedure to ensure environmental commitments are transferred from the construction office to maintenance offices. Where warranted by complex or unusual circumstances this may require a project closeout meeting to go over commitments and handoff the project to Maintenance and Operations.
- Record locations of features that require perpetual (or long-term) environmental commitments such as storm water facilities, habitat features, wetland or other mitigation sites.

Appendices:

Appendix 1 - WSDOT Environmental Policy Statement (2001)
Appendix 2 - Compliance Agreement between WSDOT and the Department of Ecology (2004)
Appendix 3 - IL 4055.02 Environmental Compliance Assurance Procedure for Construction Projects and Activities
Appendix 4 - IL 4057.01 Environmental Compliance Assurance Procedure for Maintenance Work Activities
Appendix 5 - North Central Environmental Compliance Checklists
Appendix 6 - Maintenance Compliance Plan
Appendix 7 - Environmental Resource Compliance Assurance Procedure for Maintenance Work Activities

Appendix 1

Environmental Policy Statement

Washington State Department of Transportation
September 26, 2001

The Department of Transportation acknowledges the state's vital interests in protecting and preserving natural resources and other environmental assets and its citizens' health and safety. These interests must be integrated with other vital interests committed to the Department, including the cost-effective delivery and operation of transportation systems and services that meet public needs.

The Department shall conduct all its affairs in accordance with the dictates of sound environmental protection practices, including pollution prevention wherever reasonably possible. The Department shall also avoid, minimize and appropriately mitigate adverse environmental impacts. These undertakings extend to the construction, maintenance and operation of its systems and facilities. Legal obligations in these matters are established by applicable laws and regulations; this Policy Statement is not intended to create further or additional legally-enforceable requirements.

To support the performance of the Department's responsibilities and undertakings, as Secretary of Transportation, I hereby commit the Department:

- To implement and maintain an environmental management system that embraces all the Department's program functions;
- To establish, maintain and make available to the public appropriate performance indicators of the Department's exercise of its environmental stewardship and to consistently review these indicators as a basis to improve the Department's performance;
- To comply with all environmental laws and regulations applicable to our business and activities;
- To assure that employees of the Department receive training appropriate to their functions concerning the Department's environmental responsibilities;
- To communicate to contractors, designers, consultants and other participants in the Department's work the management practices and compliance requirements established to further the aims of this Policy Statement;
- To encourage employees and all other citizens to communicate with the Department about ways to increase the effectiveness of Department's practices supporting its mission of environmental stewardship;
- To make every reasonable effort to also protect the cultural and historic resources of the state.

Each employee of the Department is charged to exercise his or her responsibility on behalf of the Department to assure that the intentions of the Policy Statement are diligently carried out.

Signed by: Douglas B. MacDonald
Secretary of Transportation

Appendix 2

Compliance Agreement between WSDOT and the Department of Ecology (2004)

Appendix 3

IL 4055.02 Environmental Compliance Assurance Procedure for Construction Projects and Activities

Appendix 4

IL 4057.01 Environmental Compliance Assurance Procedure for Maintenance Work Activities

Appendix 5

North Central Environmental Compliance Checklists

(Example – Actual Checklist to be customized for high risk projects)

PROJECT INSPECTORS ENVIRONMENTAL COMPLIANCE CHECKLIST

During Construction

Project name: _____Contract #: _____

Inspector name: _____

Construction to begin: _____Date checklist completed: _____

Environmental Documents and Plans On Project Site:

Temporary Erosion and Sediment Control Plan (TESC)	YES	NO	N/A
Contractors Spill Prevention and Pollution Control (SPCC)	YES	NO	N/A
Water Quality Implementing Agreement (WQIA) T & C?	YES	NO	N/A

Permits on site for in water work (if none, skip to next section)

Hydraulic Project Approval (HPA)	YES	NO	N/A
Corps of Engineers permit	YES	NO	N/A
Ecology 401 Water Quality Certification/Implementing Agreement	YES	NO	N/A
Shorelines permit	YES	NO	N/A
National Pollutant Discharge Elimination System (NPDES)	YES	NO	N/A

Other items:

Are sensitive areas clearly fenced before construction?	YES	NO	N/A
Is water quality monitoring	YES	NO	N/A

PROJECT INSPECTORS ENVIRONMENTAL COMPLIANCE CHECKLIST

After Construction

Project name: _____Contract #: _____

Inspector name: _____

Construction to begin: _____Date checklist completed: _____

Environmental Documents and Plans Implemented:

Temporary Erosion and Sediment Control Plan (TESC)	YES	NO	N/A
Contractors Spill Prevention and Pollution Control (SPCC)	YES	NO	N/A
Water Quality Implementing Agreement (WQIA) T & C?	YES	NO	N/A

List any non-compliant events encountered during construction and how they were mitigated:

Permits in hand for in water work (if none, skip to next section)

Hydraulic Project Approval (HPA)	YES	NO	N/A
Corps of Engineers permit	YES	NO	N/A
Ecology 401 Water Quality Certification	YES	NO	N/A
Shorelines permit	YES	NO	N/A
National Pollutant Discharge Elimination System (NPDES)	YES	NO	N/A

Other items:

Was sensitive area fencing maintained throughout the project?	YES	NO	N/A
Were all permit requirements met?	YES	NO	N/A
Are permanent erosion control measures in place?	YES	NO	N/A
Is maintenance aware of future responsibilities?	YES	NO	N/A
Maintenance Contact:_____			
Did monitoring/compliance results get sent to Enviro office?	YES	NO	N/A

Washington State Department of Transportation
Maintenance Compliance Plan

The WSDOT Maintenance Compliance Plan is comprised of nine non-discretionary program elements that provide a basic umbrella for the maintenance environmental compliance program. Each WSDOT region will implement a Regional Maintenance Compliance Plan to avoid or minimize violations. Each program element is described below and in the *Regional Road Maintenance ESA Program Guidelines (Guidelines).*

Element 1 – Statewide Regional Maintenance Environmental Coordinator's (RMEC) Meetings

The RMEC meetings are conducted quarterly, or more often if needed. Each region has identified an individual as their Regional Maintenance Environmental Coordinator. The meetings provide a venue whereby new information and experiences are shared between members to improve the environmental program. The RMEC reports to the Regional Forum Representative. The following types of information are reported:

- Administrative program functions.
- Field meetings with maintenance crews and resource agency staff.
- Hands-on crew experiences with various BMPs under various conditions.
- Discovery of new products or BMP inventions and applications.
- Results of scientific research and case studies.
- Feedback on training, sensitive area data collection, and ESA reports.

Additionally, if a problem with program implementation occurs in one region, it is shared with the other regions so the problem/violation is not repeated.

Element 2 – Training

Maintenance personnel must understand and correctly implement BMPs for the maintenance activities accomplished in sensitive areas. Environmental compliance information is available through WSDOT's extensive outreach and training program.

Existing opportunities to provide environmental compliance training include:

- Annual Statewide Maintenance Engineers' Meetings
- Bi-Monthly Regional Maintenance Superintendent Meetings
- Monthly Crew Safety Meetings
- Maintenance Academy (twice per year)
- Maintenance Leadership Forum

- Disaster Workshop (as needed)
- Annual WSDOT Spring Training
- Annual Snow & Ice Training
- Annual Road & Street Maintenance School (Washington State University)
- Annual Bridge Maintenance Supervisors Meeting
- Erosion And Sediment Control Training

Environmental compliance training is based on WSDOT's Endangered Species Act § 4(d) Program. WSDOT Maintenance and Operations Headquarters staff, T2 instructors, Regional Maintenance Environmental Coordinators, Regional Maintenance Training Coordinators, or other trainers may teach the curriculum. Key staff members and crewmembers will attend training in their area(s) of responsibility. The courses are listed below:

- Course 101 - Executive Overview
- Course 102 - Field Maintenance Crew Overview
- Course 103 - Field Application of BMPs
- Course 104 - Emergency Response
- Course 106 - Roadside & Vegetation Maintenance
- Course 107 - Stormwater Control
- Course 108 - ESA 4(d) Reporting Requirements
- Course 109 - Snow & Ice Control
- Course 110 - Bridge Maintenance

Prior to beginning work in sensitive areas, at least one member of the maintenance crew is required to have completed required training and shown competency in using BMPs to:

- Minimize erosion and sediment;
- Contain the spread of pollutants; and
- Maximize habitat improvements.

Element 3 – Compliance Monitoring

The objective of compliance monitoring is to evaluate the consistency of the program statewide. Compliance is not judged on how many BMPs are used to install structures, nor on how many structures are installed. Compliance is based on how well the final environmental outcomes are met. Compliance monitoring is accomplished by: Regional Maintenance Environmental Coordinators, Maintenance Staff, Environmental Staff, and local, state, and federal permitting authorities that evaluate BMPs for use and implementation. Every maintenance activity, within sensitive areas, is monitored through the Personal Data Assistant (PDA) "ESA Compliance" checklist, which is forwarded to Headquarters Maintenance and Operations

Element 4 – Scientific Research

The scientific research element serves to verify the effectiveness of BMPs and to update BMPs based on the latest technologies. Using information derived from scientific research can maximize compliance. The scientific research information is communicated throughout the state

via the Regional Forum, the Headquarters Maintenance and Operations Water Quality Policy Manager, the RMECs, and provided to the maintenance crews.

Element 5 – Adaptive Management

Adaptive Management provides a means by which potential impacts are avoided, or minimized, and compliance is assured. Actions may need to be modified as experience and technology increases.

Adaptive Management includes, but is not limited to, the following:

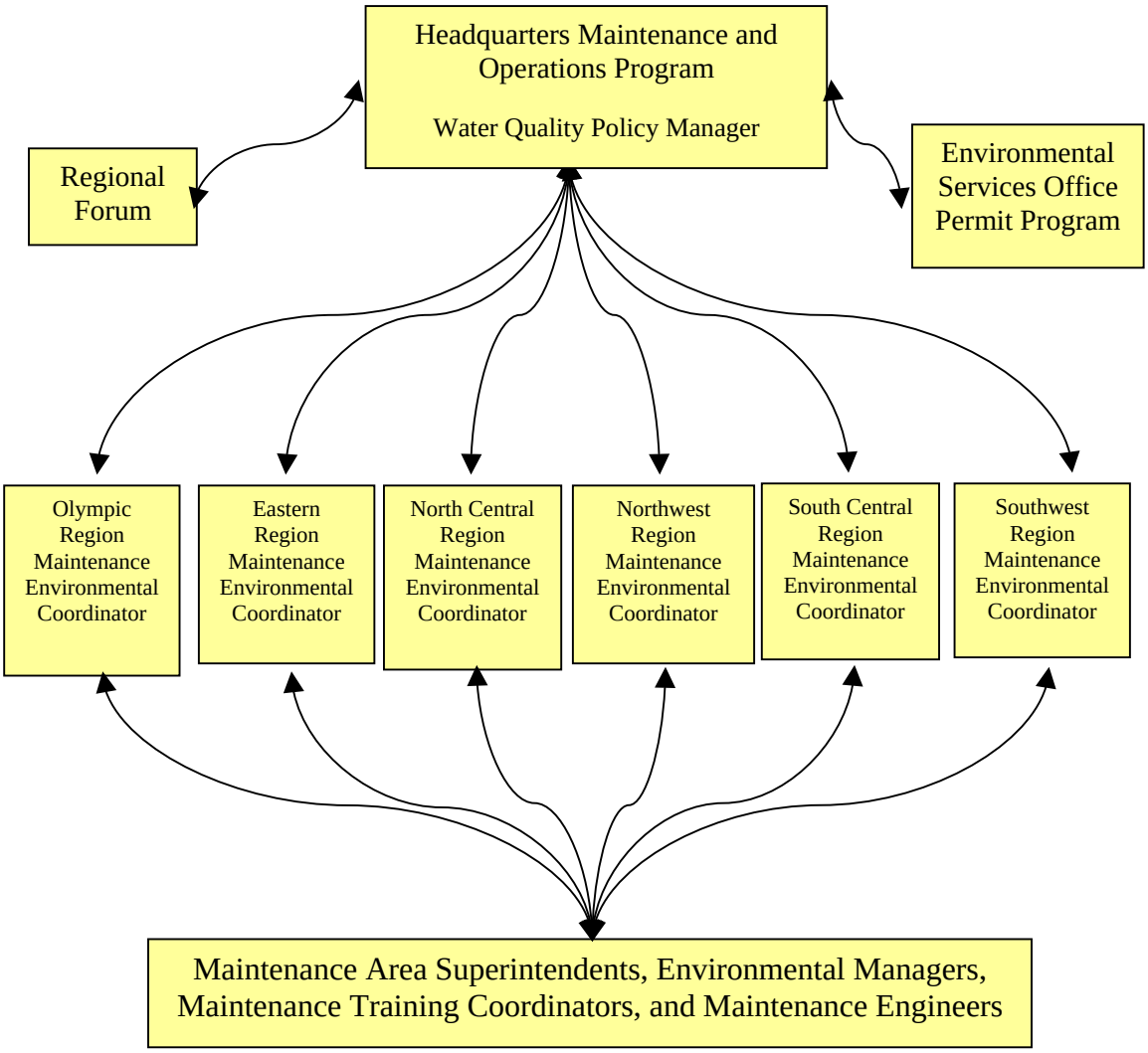
- A *Roadside Sensitive Management Area* atlas has been created to identify sensitive areas within the ROW. The atlas has been distributed to maintenance sheds statewide. The atlas will be updated as needed.

- Knowing the location of sensitive areas within the Right-of-Way (ROW) and using BMPs during maintenance activities in sensitive (priority) areas.

- Trained maintenance personnel may modify BMPs to achieve compliance.

- Maintenance personnel are provided Personnel Data Assistants (PDAs) to allow them to enter data into the "ESA Compliance" checklist. The "Comments" section is utilized as a tool to evaluate the applicability of the BMPs. The completed checklist documents our compliance with local, state, and federal laws.

- Communication is vital to Adaptive Management. See diagram below:



Element 6 – Emergency Response

WSDOT's Emergency Response measures include keeping local, state, and federal regulatory agencies apprised of the conditions.

Element 7 – Sensitive Area Mapping and Marking

Sensitive areas within the ROW have been surveyed wherever they come within 300 feet of the roadway. These sensitive areas are:

- **Mapped,** or annotated, in the *Roadside Sensitive Management Area* atlas. Copies of the atlas have been distributed to maintenance sheds throughout the state.
- **Marked** with a WSDOT Sensitive Area Marker (a.k.a. fish stick), or pavement markings.

An intern biologist will examine questionable areas that have been noted by maintenance crews, the Washington State Department of Fish and Wildlife (WDFW) Area Habitat Biologist (AHB), and/or the RMEC. Updates to the *Roadside Sensitive Management Area* atlases will be made, and updated atlases will be distributed to the maintenance sheds. This update process will be re-accomplished as needed. It is important to reiterate, a biologist identifies water-related features.

Element 8 - Compliance Reporting

Documentation of work accomplished in sensitive (priority) areas is reported by maintenance crews using the PDA or a desktop computer. The completed checklist demonstrates compliance.

The RMEC must be notified before any maintenance activity begins within waters of the state. Maintenance work in or adjacent to streams, wetlands, lakes, marine water, or other water bodies may require some form of environmental review and/or notification (although in most cases individual permits may not be required). The RMEC determines if individual permits are required by local, state, or federal agencies, and assists in obtaining them if needed. Failure to obtain required permits, or deviation from the restrictions, provisions, or conditions of a permit constitutes an environmental violation.

Element 9 – BMPs and Conservation Outcomes

BMPs are used to complete work within sensitive areas, thereby avoiding or minimizing environmental damage. Prior to work in sensitive areas, maintenance crews must obtain necessary environmental permits. BMPs are listed in the *Regional Road Maintenance ESA Program Guidelines*, the *BMPs Field Guide*, and the Personnel Data Assistant (PDA). One or more of the recommended BMPs are selected based upon worksite conditions, which vary from site to site. BMPs are based on the following outcomes:

- Minimize erosion and sediment;
- Contain the spread of pollutants; and
- Maximize habitat improvements.

Environmental Violations (See Instructional Letter 4055-01)

When a violation occurs: stabilize the situation, and stop work. Contact the RMEC immediately, describe the situation, and request assistance.

Violation Reporting:

The **Maintenance Personnel** on site:

- Notifies the Maintenance Superintendent.

The **Maintenance Superintendent:**

- Notifies the Regional Maintenance Engineer/Manager and the RMEC.

The **RMEC:**

- Serves as the contact lead.
- Immediately notifies the appropriate local, state, and federal agencies, Regional Environmental Manager, and the Headquarters Maintenance and Operations Water Quality Policy Manager.
- Identifies and obtains appropriate permits or permit revisions.
- Documents all actions, conversations and activities. Communicates issues and sends documentation to the appropriate resource agencies.

The **Headquarters Maintenance and Operations Water Quality Policy Manager:**

- Notifies the Headquarters Maintenance and Operations Environmental Services Manager.

The **Headquarters Maintenance and Operations Environmental Services Manager:**

- Notifies the Environmental Services Office Compliance Branch Manager.
- Determines if the violation is significant to warrant notification to the State Maintenance Engineer.

The **Environmental Service Office Compliance Branch Manager:**

- Documents the details of the notification process and problem resolution in a central data base used to report, as may be required by an Environmental Management System, on agency compliance with environmental regulations.
- Determines if the violation is significant to warrant notification to the Director Environmental Services.

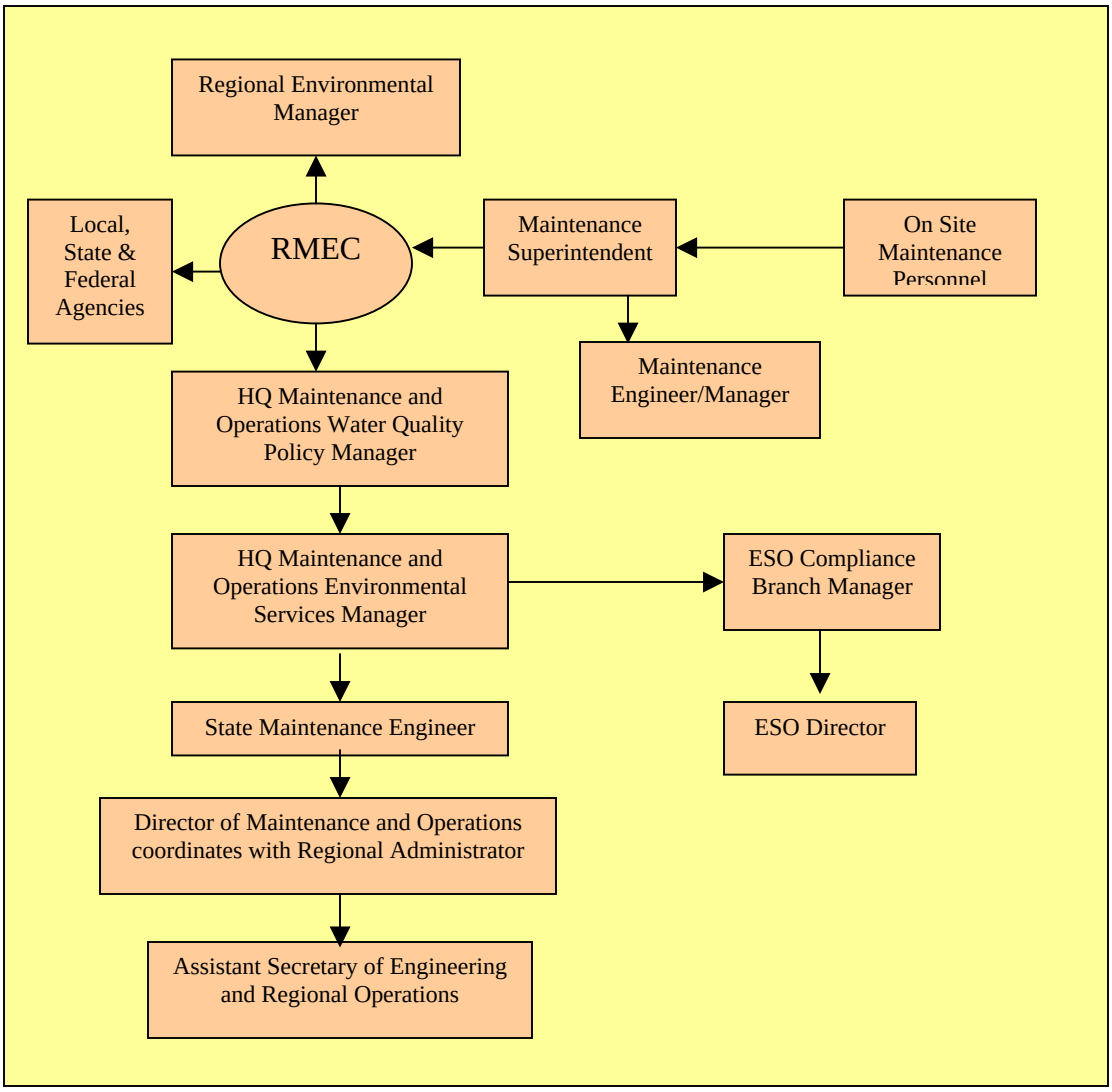
The **State Maintenance Engineer** (if notified):

- Notifies the Director of Maintenance and Operations

The **Director of Maintenance and Operations:**

- Coordinates with the **Regional Administrator** to contact the **Assistant Secretary of Engineering and Regional Operations** and advise on the situation, and provide updates as needed on the situation.

The violation notification process is shown below.



Violation Appeals

Management will support violation appeals when documentation, such as written plans, photographs, Personnel Data Assistant (PDA) ESA Compliance checklists, permits, etc., supports that BMPs were in place and the best professional judgment of trained maintenance personnel was used during the completion of a maintenance action. Appeals will be filed.

Environmental Resource Compliance Assurance Procedure For Maintenance Work Activities

Purpose

The purpose of the Environmental Resource Compliance Assurance Procedure for Maintenance Work Activities is to recognize potential problems that could occur within the right-of-way (ROW) during fieldwork for selected maintenance activities, and to coordinate appropriate response measures to prevent violations. The procedure provides guidance to ensure prompt notification to the appropriate WSDOT environmental staff, management, and government resource agencies (i.e. NOAA Fisheries, USFWS, Corps, WDFW, Ecology and local Shoreline Administrators).

A. Notification Triggers

Resource Agencies: Communication requirements with the appropriate resource agencies are defined in the Regional Road Maintenance Endangered Species Act Program Guidelines (RRMP) under the Part 3 Application. Specific notification from maintenance crews to the resource agencies is required in the following situations:

- In-Water Work - Prior to starting any maintenance work in or adjacent to streams, wetlands, lakes, marine water or other water bodies. All work in these areas may require some form of environmental review and/or notification, although in most cases formal permits may not be required. This is coordinated through the Regional Maintenance Environmental Coordinator (RMEC). The RMEC must be notified before beginning any work activity within sensitive or aquatic areas. If prior notification is not possible due to an emergency action, the Region's Environmental Services Office must be informed the first business day following an emergency declaration.
- Emergency In-Water Work - The U.S. Army Corps of Engineers (ACOE) and the Washington State Department of Fish and Wildlife (WDFW)do require immediate notification for any emergency work in or affecting waters of the state. For emergency response work involving in-water work Maintenance staff will immediately call the local Area Habitat Biologist with jurisdiction in the affected watershed, or failing to make that contact, the WDFW emergency hotline at **360-902-2537.** Maintenance staff should also contact ACOE liaison for the region or fax work information to **206-764-6602** before proceeding with work. For emergency work outside normal working hours, contact Muffy Walker at 206-781-0469, or Tom Mueller at 206-842-0155. Work information should include location, nature, and method of work. Take photographs if possible. If a Corps permit is required, work may result in an after-the –fact permit, or initial corrective measures, which are processed as a violation.

The RMEC or Environmental Office will make the additional notifications, required for in-water work, on the first business day following the response notification. Following notification, the Environmental Office will commence environmental permitting and endangered species impact assessment as required.

It is important to note that the initial emergency response work is to stabilize the affected area only, minimizing adverse environmental effects, and using BMPs to avoid further impact. The normal design, construction, and permit will be followed for permanent repairs, as may be necessary, after stabilizing the initial emergency.

B. Post-Project Construction Requirements

When a construction project has been completed, the Project Engineer (PE) should provide notification to the Regional Environmental Manager. The Regional Environmental Manager, in consultation with the PE, should then brief Regional Maintenance Superintendents and Maintenance Environmental Coordinator on any environmental permit conditions with post-construction requirements and on all mitigation sites in the project area needing avoidance or protection. Perform this briefing according to Regional procedures.

C. ESA/General Permit Reporting Requirements & Violation Notification Process

ESA/General Permit Reporting Requirements:

During the course of maintenance work, crews are required to report work that is conducted within priority sensitive areas (consult the Roadside-Sensitive Management Area Atlas, fish sticks, or pavement markings) on the Personal Data Assistant (PDA) ESA Compliance checklist. The March 2004, *"Best Management Practices Field Guide for ESA § 4(d) Habitat Protection"*, provides instructions for checklist completion, thereby documenting WSDOT's compliance with ESA § 4 (d) "take" limits and General Permits.

1. Permit compliance, maintenance category, BMP, and other reports will be developed and generated on request. Additional BMPs utilized in the field, along with associated comments, are evaluated and discussed at the statewide RMEC meetings. Any recommended improvements are forwarded to the Regional Forum for consideration..

Violation Reporting:

The **Maintenance Personnel** on site:

- Notify the Maintenance Superintendent.

The **Maintenance Superintendent:**

- Notifies the Regional Maintenance Engineer/Manager and the RMEC.

The **RMEC:**

- Serves as the contact lead.
- Immediately notifies the appropriate local, state, and federal agencies, Regional Environmental Manager, and the Headquarters Maintenance and Operations Water Quality Policy Manager.
- Identifies and obtains appropriate permits or permit revisions.
- Documents all actions, conversations and activities. Communicates issues and sends documentation to the appropriate resource agencies.

The **Headquarters Maintenance and Operations Water Quality Policy Manager:**

- Notifies the Headquarters Maintenance and Operations Environmental Services Manager.

The **Headquarters Maintenance and Operations Environmental Services Manager:**

- Notifies the Environmental Services Office Compliance Branch Manager.
- Determines if the violation is significant to warrant notification to the State Maintenance Engineer.

The **Environmental Service Office Compliance Branch Manager:**

- Documents the details of the notification process and problem resolution in a central data base used to report, as may be required by an Environmental Management System, on agency compliance with environmental regulations.
- Determines if the violation is significant to warrant notification to the Director Environmental Services.

The **State Maintenance Engineer** (if notified):

- Notifies the Director of Maintenance and Operations

The **Director of Maintenance and Operations:**

- Coordinates with the **Regional Administrator** to contact the **Assistant Secretary of Engineering and Regional Operations** and advise on the situation, and provide updates as needed on the situation.

Maintenance **Violation Notification Process**
Figure 1